

EXHIBIT B

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 15-55727

Docketed: 05/13/2015

Nature of Suit: 4150 Ovrpmnts & Enforcement of Judgments

Robert Briseno v. ConAgra Foods, Inc.

Appeal From: U.S. District Court for Central California, Los Angeles

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0973-2 : [2:11-cv-05379-MMM-AGR](#)

Court Reporter: Cindy Nirenberg

Trial Judge: Margaret M. Morrow, District Judge

Date Filed: 06/28/2011

Date Order/Judgment:

02/23/2015

Date Order/Judgment EOD:

02/23/2015

Date NOA Filed:

05/13/2015

Date Rec'd COA:

05/13/2015

Prior Cases:

[15-80040](#) **Date Filed:** 03/10/2015 **Date Disposed:** 05/13/2015 **Disposition:** Granted - Judge Order

Current Cases:

None

ROBERT BRISENO, individually and on behalf of all others similarly situated,

Plaintiff - Appellee,

v.

CONAGRA FOODS, INC.,

Defendant - Appellant.

05/13/2015	<input type="checkbox"/> 1	Filed order (JEROME FARRIS and MICHELLE T. FRIEDLAND) in case no. 15-80040 on 5-13-2015: The court, in its discretion, grants the petition for permission to appeal the district court's February 23, 2015 order granting class action certification. See Fed. R. Civ. P. 23(f); Chamberlain v. Ford Motor Co., 402 F.3d 952 (9th Cir. 2005) (per curiam). Within 14 days after the date of this order, petitioner shall perfect the appeal in accordance with Federal Rule of Appellate Procedure 5(d). [9536176] (RT) [Entered: 05/13/2015 01:27 PM]
05/13/2015	<input type="checkbox"/> 2 15 pg, 1.51 MB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. SEND MQ: Yes. The schedule is set as follows: Fee due from Appellant ConAgra Foods, Inc. on 05/13/2015. Mediation Questionnaire due on 05/20/2015. Transcript ordered by 06/12/2015. Transcript due 07/13/2015. Appellant ConAgra Foods, Inc. opening brief due 08/21/2015. Appellee Robert Briseno answering brief due 09/21/2015. Appellant's optional reply brief is due 14 days after service of the answering brief. [9536195] (RT) [Entered: 05/13/2015 01:31 PM]
05/13/2015	<input type="checkbox"/> 3	Received notification from District Court re: payment of docket fee. Amount Paid: USD 505.00. Date paid: 05/13/2015. [9536803] (BY) [Entered: 05/13/2015 04:19 PM]
05/20/2015	<input type="checkbox"/> 4 6 pg, 55.99 KB	Filed (ECF) Appellant ConAgra Foods, Inc. Mediation Questionnaire. Date of service: 05/20/2015. [9545091] [15-55727] (Coombe, Laura) [Entered: 05/20/2015 04:07 PM]
06/05/2015	<input type="checkbox"/> 5 5 pg, 316.01 KB	MEDIATION CONFERENCE SCHEDULED - The court has scheduled a telephone Assessment Conference, 06/22/2015, 1:00 p.m. PACIFIC Time. The Circuit Mediator will initiate the conference call by contacting each person on the attached list. Please be available for the call at least five minutes before the scheduled time. Counsel should review the attached list and inform the Mediation Assistant by email at least 72 hours in advance of the scheduled call of any corrections to the list....The briefing schedule previously set by the court remains in effect. [9563998] (CL) [Entered: 06/05/2015 05:26 PM]
06/19/2015	<input type="checkbox"/> 6 2 pg, 78.88 KB	Filed (ECF) notice of appearance of Angela M. Spivey for Appellant ConAgra Foods, Inc.. Date of service: 06/19/2015. [9580885] [15-55727] (Spivey, Angela) [Entered: 06/19/2015 11:20 AM]
06/19/2015	<input type="checkbox"/> 7	Added attorney Angela M. Spivey for ConAgra Foods, Inc., in case 15-55727. [9581313] (SW) [Entered: 06/19/2015 02:45 PM]
06/22/2015	<input type="checkbox"/> 8 1 pg, 182.07 KB	Filed Mediation order: This case is not selected for inclusion in the Mediation Program. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant further settlement discussions. [9583431] (CL) [Entered: 06/22/2015 04:24 PM]
06/30/2015	<input type="checkbox"/> 9	Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant ConAgra Foods, Inc.. New requested due date is 09/21/2015. [9594318] [15-55727] (Coombe, Laura) [Entered: 06/30/2015 03:04 PM]
07/01/2015	<input type="checkbox"/> 10	Streamlined request [9] by Appellant ConAgra Foods, Inc. to extend time to file the brief is approved. Amended briefing schedule: Appellant ConAgra Foods, Inc. opening brief due 09/21/2015. Appellee Robert Briseno answering brief due 10/21/2015. The optional reply brief is due 14 days from the date of service of the answering brief. [9594945] (SB) [Entered: 07/01/2015 08:57 AM]
07/30/2015	<input type="checkbox"/> 11 2 pg, 79.29 KB	Filed (ECF) notice of appearance of Richard Trent Taylor for Appellant ConAgra Foods, Inc.. Date of service: 07/30/2015. [9627915] [15-55727] (Taylor, Richard) [Entered: 07/30/2015 07:11 AM]
07/30/2015	<input type="checkbox"/> 12	Added attorney Richard Trent Taylor for ConAgra Foods, Inc., in case 15-55727. [9627928] (CW) [Entered: 07/30/2015 07:23 AM]
09/21/2015	<input type="checkbox"/> 13 75 pg, 168.59 KB	Submitted (ECF) Opening Brief for review. Submitted by Appellant ConAgra Foods, Inc.. Date of service: 09/21/2015. [9691076] [15-55727] (Gresham, Allen) [Entered: 09/21/2015 07:21 PM]
09/21/2015	<input type="checkbox"/> 14 2983 pg, 63.45 MB	Submitted (ECF) excerpts of record. Submitted by Appellant ConAgra Foods, Inc.. Date of service: 09/21/2015. [9691077] [15-55727] (Coombe, Laura) [Entered: 09/21/2015 07:29 PM]
09/22/2015	<input type="checkbox"/> 15 2 pg, 186.08 KB	Filed clerk order: The opening brief [13] submitted by ConAgra Foods, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. The Court has reviewed the excerpts of record [14] submitted by ConAgra Foods, Inc.. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [9692405] (KT) [Entered: 09/22/2015 03:05 PM]
09/23/2015	<input type="checkbox"/> 16 143 pg, 11.4 MB	Received Appellant ConAgra Foods, Inc. notice of filing Volumes 2-23 of excerpts of record under seal, with DC protective orders attached. [9694768] (KT) [Entered: 09/24/2015 10:37 AM]
09/23/2015	<input type="checkbox"/> 17	Received UNDER SEAL Appellant ConAgra Foods, Inc. excerpts of record in 22 volumes. Served on 09/21/2015. Deficiencies: waiting for paper copies of Volumes 1, 24-33. [9694772] (KT) [Entered: 09/24/2015 10:40 AM]
09/25/2015	<input type="checkbox"/> 18	Filed Appellant ConAgra Foods, Inc. paper copies of excerpts of record [14] in 33 volume(s) (Volumes 2-23 UNDER SEAL). [9696138] (KT) [Entered: 09/25/2015 10:12 AM]

09/25/2015	<input type="checkbox"/> 19	Received 7 paper copies of Opening brief [13] filed by ConAgra Foods, Inc.. [9696873] (SD) [Entered: 09/25/2015 02:10 PM]
10/06/2015	<input type="checkbox"/> 20	Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Robert Briseno. New requested due date is 11/20/2015. [9709000] [15-55727] (Azar, David) [Entered: 10/06/2015 03:31 PM]
10/07/2015	<input type="checkbox"/> 21	Streamlined request [20] by Appellee Robert Briseno to extend time to file the brief is approved. Amended briefing schedule: Appellee Robert Briseno answering brief due 11/20/2015. The optional reply brief is due 14 days from the date of service of the answering brief. [9709390] (SB) [Entered: 10/07/2015 08:28 AM]
11/12/2015	<input type="checkbox"/> 22 8 pg, 200.1 KB	Filed (ECF) Appellee Robert Briseno Unopposed Motion to extend time to file Answering brief until 12/18/2015. Date of service: 11/12/2015. [9754113] [15-55727] (Levitt, Adam) [Entered: 11/12/2015 04:07 PM]
11/16/2015	<input type="checkbox"/> 23 1 pg, 185.62 KB	Filed clerk order (Deputy Clerk: th): Granting Motion (ECF Filing) filed by Appellee to extend time to file brief filed by Appellee Robert Briseno Appellee Robert Briseno answering brief due 12/18/2015. The optional reply brief is due 14 days after service of the answering brief. [9757399] (TH) [Entered: 11/16/2015 03:23 PM]
12/18/2015	<input type="checkbox"/> 24 90 pg, 411.54 KB	Submitted (ECF) Answering Brief for review. Submitted by Appellee Robert Briseno. Date of service: 12/18/2015. [9799073] [15-55727] (Levitt, Adam) [Entered: 12/18/2015 02:59 PM]
12/18/2015	<input type="checkbox"/> 25	Filed (ECF) Streamlined request for extension of time to file Reply Brief by Appellant ConAgra Foods, Inc.. New requested due date is 02/03/2016. [9799435] [15-55727] (Gresham, Allen) [Entered: 12/18/2015 04:40 PM]
12/21/2015	<input type="checkbox"/> 26	Streamlined request [25] by Appellant ConAgra Foods, Inc. to extend time to file the brief is approved. Amended briefing schedule: the optional reply brief is due 02/03/2016. [9799805] (SB) [Entered: 12/21/2015 08:23 AM]
12/21/2015	<input type="checkbox"/> 27 2 pg, 186.07 KB	Filed clerk order: The answering brief [24] submitted by Robert Briseno is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: red. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9800002] (KT) [Entered: 12/21/2015 09:47 AM]
12/23/2015	<input type="checkbox"/> 28	Received 7 paper copies of Answering brief [24] filed by Robert Briseno. [9804206] (SD) [Entered: 12/23/2015 02:31 PM]
12/31/2015	<input type="checkbox"/> 29 23 pg, 59.3 KB	Filed (ECF) Appellee Robert Briseno Joint Motion to hear this case before the panel which will hear case 14-16327, 14-17480. Date of service: 12/31/2015. [9811934] [15-55727] (Levitt, Adam) [Entered: 12/31/2015 01:07 PM]
01/11/2016	<input type="checkbox"/> 30 7 pg, 30.79 KB	Filed (ECF) Appellant ConAgra Foods, Inc. response to motion ([29] Motion (ECF Filing), [29] Motion (ECF Filing) motion to hear case with other case). Date of service: 01/11/2016. [9822244] [15-55727] (Gresham, Allen) [Entered: 01/11/2016 11:14 AM]
01/14/2016	<input type="checkbox"/> 31 2 pg, 44.33 KB	Filed clerk order (Deputy Clerk: DMA): The motion to have this appeal assigned to the same merits panel as appeals No. 14-17480, Brazil v. Dole Packaged Foods, LLC, and No. 14-16327, Jones v. ConAgra Foods, Inc., is granted, in part. This appeal shall be assigned to the same merits panel as appeals Nos. 14-17480 and 14-16327. The requests for oral argument and for a full allotment of time for oral argument for each appeal are referred to the merits panel. The opening and answering briefs have been filed. The optional reply brief remains due February 3, 2016. [9827784] (WL) [Entered: 01/14/2016 01:39 PM]
01/27/2016	<input type="checkbox"/> 32 9 pg, 81.03 KB	Filed (ECF) Appellant ConAgra Foods, Inc. Unopposed Motion to extend time to file Reply brief until 03/02/2016. Date of service: 01/27/2016. [9843743] [15-55727] (Coombe, Laura) [Entered: 01/27/2016 06:09 PM]
01/28/2016	<input type="checkbox"/> 33 1 pg, 184.85 KB	Filed clerk order (Deputy Clerk: th): Granting Motion (ECF Filing) filed by Appellant ConAgra Foods, Inc.; Granting Motion (ECF Filing) motion to extend time to file brief filed by Appellant ConAgra Foods, Inc. Appellant ConAgra Foods, Inc. reply brief due March 2, 2016. [9844840] (TH) [Entered: 01/28/2016 01:35 PM]
03/02/2016	<input type="checkbox"/> 34 38 pg, 89.1 KB	Submitted (ECF) Reply Brief for review. Submitted by Appellant ConAgra Foods, Inc.. Date of service: 03/02/2016. [9887081] [15-55727] (Gresham, Allen) [Entered: 03/02/2016 03:44 PM]
03/03/2016	<input type="checkbox"/> 35 2 pg, 185.59 KB	Filed clerk order: The reply brief [34] submitted by ConAgra Foods, Inc. is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [9887743] (KT) [Entered: 03/03/2016 09:31 AM]
03/04/2016	<input type="checkbox"/> 36	

Received 7 paper copies of Reply brief [34] filed by ConAgra Foods, Inc.. [9890271] (SD) [Entered: 03/04/2016 02:23 PM]

03/24/2016 37

This case is being considered for the July 2016 San Francisco oral argument calendar. The exact date of your oral argument has not been determined at this time.

The following is a link to the upcoming court sessions:

http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf.

Please review these upcoming dates *immediately* to determine if you have any conflicts with them. If you do have conflicts, please inform the Court within 3 days of this notice by sending a letter to the Court using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** regarding availability for oral argument).

The Court discourages motions to continue after this 3-day period.

The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. Your case will be assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

Note that your case will be set for hearing in due course if it is not assigned to this calendar.

In addition, if parties would like to discuss settlement before argument is scheduled, they should jointly request a referral to the mediation unit. Such a referral will postpone the calendaring of oral argument. All such requests must be made within 3 days of this notice by sending a letter to the Court using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** request for mediation). Once the case is calendared, it is unlikely that the court will postpone argument for settlement discussions.[9914985] (AW) [Entered: 03/24/2016 05:31 PM]

03/28/2016 38
1 pg, 371.83 KB

Filed (ECF) Appellant ConAgra Foods, Inc. Correspondence: Letter regarding notice of conflict concerning oral argument. Date of service: 03/28/2016 [9916977] [15-55727] (Spivey, Angela) [Entered: 03/28/2016 05:43 AM]

03/28/2016 39
1 pg, 88.27 KB

Filed (ECF) Appellee Robert Briseno Correspondence: regarding availability for oral argument. Date of service: 03/28/2016 [9918056] [15-55727] (Azar, David) [Entered: 03/28/2016 02:44 PM]

04/05/2016 41

Ordered electronic copies of appellants sealed excerpts of record. [9927849] (SOS) [Entered: 04/05/2016 12:46 PM]

04/12/2016 42

Received electronic copies of appellants sealed excerpts of record. [9936139] (SOS) [Entered: 04/12/2016 11:27 AM]

04/21/2016 43

This case is being considered for the August 2016 San Francisco oral argument calendar. The exact date of your oral argument has not been determined at this time.

The following is a link to the upcoming court sessions:

http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf.

Please review these upcoming dates *immediately* to determine if you have any conflicts with them. If you do have conflicts, please inform the Court within 3 days of this notice by sending a letter to the Court using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** regarding availability for oral argument).

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04/25/2016 44
1 pg, 52.07 KB

Filed (ECF) Appellee Robert Briseno Correspondence: Response to request of the Court for any conflicts re the August 2016 San Francisco oral argument calendar.. Date of service: 04/25/2016 [9950965] [15-55727] (Azar, David) [Entered: 04/25/2016 09:45 AM]

05/17/2016 45

This case is being considered for the September 2016 San Francisco oral argument calendar. The exact date of your oral argument has not been determined at this time.

The following is a link to the upcoming court sessions:

http://cdn.ca9.uscourts.gov/datastore/uploads/calendar/sitdates_2016.pdf.

Please review these upcoming dates *immediately* to determine if you have any conflicts with them. If you do have conflicts, please inform the Court within 3 days of this notice by sending a letter to the Court using CM/ECF (**Type of Document:** File Correspondence to Court; **Subject:** regarding availability for oral argument).

The Court discourages motions to continue after this 3-day period.

The clerk's office takes conflict dates into consideration in scheduling oral arguments but cannot guarantee that every request will be honored. Your case will be assigned to a calendar approximately 10 weeks before the scheduled oral argument date.

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In addition, if parties would like to discuss settlement before argument is scheduled, they should jointly request a referral to the mediation unit. Such a referral will postpone the calendaring of oral argument. All

such requests must be made within 3 days of this notice by sending a letter to the Court using CM/ECF (Type of Document: File Correspondence to Court; Subject: request for mediation). Once the case is calendared, it is unlikely that the court will postpone argument for settlement discussions.[9980213] (AW) [Entered: 05/17/2016 03:12 PM]

07/05/2016 46

Notice of Oral Argument on Monday, September 12, 2016 - 09:30 A.M. - Courtroom 1 - San Francisco CA.

View the Oral Argument Calendar for your case [here](#).

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to arrive (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

When you have reviewed the calendar, download the [ACKNOWLEDGMENT OF HEARING NOTICE](#) form, complete the form, and file it via Appellate ECF or return the completed form to: SAN FRANCISCO Office. [10037963] (AKM) [Entered: 07/05/2016 09:26 AM]

07/07/2016 [47](#)
1 pg, 219.39 KB

Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Mr. Adam J. Levitt, Esquire for Appellee Robert Briseno. [10042642] [15-55727] (Levitt, Adam) [Entered: 07/07/2016 03:01 PM]

07/08/2016 [48](#)
1 pg, 55.38 KB

Filed (ECF) Acknowledgment of hearing notice. Location: San Francisco. Filed by Attorney Angela M. Spivey for Appellant ConAgra Foods, Inc.. [10043711] [15-55727] (Spivey, Angela) [Entered: 07/08/2016 12:00 PM]

09/12/2016 49

ARGUED AND SUBMITTED TO WILLIAM A. FLETCHER, MORGAN B. CHRISTEN and MICHELLE T. FRIEDLAND. [10119843] (DO) [Entered: 09/12/2016 01:07 PM]

10/26/2016 [50](#)
2 pg, 132.97 KB

Filed (ECF) Appellant ConAgra Foods, Inc. citation of supplemental authorities. Date of service: 10/26/2016. [10174147] [15-55727] (Spivey, Angela) [Entered: 10/26/2016 10:08 AM]

11/01/2016 [51](#)
2 pg, 284 KB

Filed (ECF) Appellee Robert Briseno citation of supplemental authorities. Date of service: 11/01/2016. [10181289] [15-55727] (Azar, David) [Entered: 11/01/2016 09:57 AM]

- Documents and Docket Summary**
 Documents Only

Include Page Numbers

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